



09674706 - GALI/36284
2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
BRISCOE et al.

Atty. Ref.: 36-1384

Serial No. 09/674,706

TC/A.U.: 3624

Filed: November 6, 2000

Examiner: Jones, P.

For: COMMUNICATIONS NETWORK

* * * * *

June 4, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO/SB/08A are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

09/01/2007 DISTRICT COURT 09674706

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on

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the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. ☐ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper s a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. ☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☒ Attached is the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice

of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☒ Some of the documents were cited in a foreign application (AU 41575/99). An English language version of a communication issued in the corresponding foreign application is attached for the Examiner's information. Document No. WO 98/58474 corresponds to AU-A-80503/98 cited in the AU 41575/99 application.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☒ The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/674,717 filed November 6, 2000, (copy attached), 09/674,720, filed November 6, 2000 (copy attached) and 10/276,863, filed November 20, 2002 (published as US 2003/0154174 on August 14, 2003) which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited

therein during examination, as well as the entire prosecution histories of each of these applications including all issued and future Office Actions and Applicant responses. For example, copies of the Office Action mailed 5/29/07 and Applicant Response filed 2/28/07 in U.S. Appln. No. 674,720 and copies of the Office Action mailed 1/3/07 and Applicant Response filed 6/4/07 in U.S. Appln. No. 674,717 are attached.

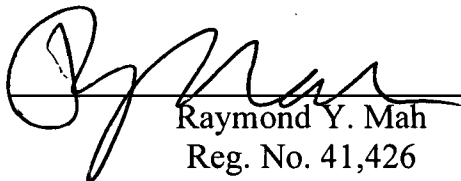
8. ☐ Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed FORM PTO/SB/08A, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 36-1384.

Respectfully submitted,

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INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

Serial No.

36-1384

09/674,706

APPLICANT

BRISCOE et al.

FILING DATE

TC/A.U.

November 6, 2000

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(See several sheets if necessary)

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/EC/	5,751,799	05/1998	MORI			
	4,756,019	07/1988	SZYBICKI			
	6,005,926	12/1999	MASHINSKY			
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	6,108,330	08/2000	BHATIA et al.			
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	5,982,754	11/1999	ITOU et al.			
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FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
/EC/ 98/58474	12/1998	WIPO			x

*Examiner

/Ella Colbert/

Date Considered

10/26/2009

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO/SB/08A)

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INFORMATION DISCLOSURE
CITATION

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APPLICANT

BRISCOE et al.

(Use several sheets if necessary)

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/EC/		0917336 A2	05/1999	EUROPE			ABSTRACT	
/EC/		4241434 A1	06/1994	DENMARK			X	
/EC/		99/65183	12/1999	WIPO			X	
/EC/		0734144 A2	03/1996	EUROPE			X	
/EC/		01/69453 A1	09/2001	WIPO			X	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

/EC/	Kaltenmorgen, KLEINWILLINGHOFER-KOPP: "Verkehrskontrolle in ATM-Netzen"; Der Fernmelde Ingenieur, Vol. 46, No. 1, January 1992, pages 1-33, XP000407119
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/EC/	Hannington, Stephen; "Price Cuts and New Lines to Catch the Customers"; THE TIMES; London (UK); November 17, 1997; pages 1-3
/EC/	Anonymous; "Lucent Delivers High-Capacity Optical Networking Equipment to Increase Bandwidth on NTT's Network"; FIBER OPTICS WEEKLY UPDATE; Boston; June 5, 1998, Volume 18; Issue 23, pages 6; 2 pages
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/EC/	USSN 09/674,717 filed 11/6/2000 including Office Action mailed 1/3/07 and Applicant Response filed 6/4/07
/EC/	USSN 09/674,720 filed 11/6/2000 including Office Action mailed 5/29/07 and Applicant Response filed 2/28/07

*Examiner

/Ella Colbert/

Date Considered

10/26/2009

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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Form PTO-FB-A820 (Also PTO/SB/08A)